

Transcript of Proceedings

AGRICULTURAL WAGE BOARD OF THE  
INDUSTRIAL WELFARE COMMISSION

San Francisco

December 13, 1960

Dr. Daniel G. Aldrich, Chairman

The seventh meeting of the Industrial Welfare Commission's Wage Board for Agricultural Occupations was held on December 13, 1960, in Room 2198, State Building Annex, 455 Golden Gate Avenue, San Francisco. The meeting was called to order at 11:00 a.m. by Chairman Aldrich.

PRESENT: Dick Markarian  
William J. Thornburg  
Melvin W. Johnson  
Hermann J. Gerdts  
Norman Liddell  
Jack Singer  
Mrs. Helen L. Hardeman  
Steve Pilobos  
Mrs. J. C. Walker  
Norman Smith  
Mrs. Dolores Huerta  
Clive Knowles  
Dr. Murray Benedict, Alternate Chairman  
Joe Ollman

ABSENT: Mrs. Emmet T. Frye  
Mike Elorduy  
Hector Abeytia

Chairman: I will call the meeting to order inasmuch as we expect to get under way at 11 o'clock. We know that Mrs. Frye cannot be here and we have heard that Mr. Abeytia and Mr. Elorduy will not be here.

I would like to set forth our basis of operation this morning so that we can proceed with a minimum of difficulty to arrive at our objective which specifically is to determine the material that is presented to the Industrial Welfare Commission.

After our meeting on the 12th and 13th of September, as indicated in my covering letter to you, plus if you had occasion to read my own statement, I attempted to find out just what could be done in the way of developing additional information which might provide within the period of time available to us a basis for further deliberation on the subject of wages and hours, and concluded following discussion with the Department of Industrial Welfare as well as with the Division of Labor Statistics and Research, that we were essentially confronted with making decisions on the basis of such information as was presently at hand, and so following that meeting with Mr. Gershenson, which was attended also by Dr. Benedict and Eric Thor who is working in the Agricultural Extension Service and the Giannini Foundation on matters of agricultural economics, which took place on October 6, I set about to organize my thoughts concerning the nature of this report, and also my own ideas as to what I might say as a Chairman.

Having done this and having been contacted on several occasions concerning the need

need for getting this report to the Industrial Welfare Commission, I proceeded with the help of Mrs. Jensen and Mrs. Frere to get together the material which I sent to you as the proposed content of this Board's report to the Industrial Welfare Commission and essentially consists of four or five parts.

The report as provided indicates a summary of our actions, together with the minutes of the meetings as we had them provided for us. There is a section relating to the substance of our agreement on matters pertaining to working conditions; there is a section which provides an estimate by the employer representatives of how they interpret what was essentially the substance recorded in the meetings, with some elaboration; there is also the statement by the employer representatives concerning their thinking on wages and hours; there is the report of the employee representatives on the subject of wages and hours; and there is the statement of the Chairman concerning his ideas on working conditions, wages, and hours, and any other matters that relate to the statements made by the employer and employee representatives.

So what I would like to do today, and I hope without becoming unduly involved, is to take these segments of the report, the total report, and find out who is interested in signing one section of the report, the next section of the report, and so on right down the line, recognizing that perhaps when it comes to my own statement the only signature that is on that is mine, and this is the opportunity all the way along the line. We have these five sections; if there are 16 people willing to agree this is where we stand, there will be 16 signatures for that portion of the report. If we come to another section of the report where only two feel this is where they stand, and the other 14 say no, then this will be indicated because what we have developed here is a series of sheets for each of these sections, and after we take them up people can say, I go along with this or I don't go along with it.

So first of all I would like to ask you whether or not you are agreed that this document which sets forth to the best of my ability the various comments, ideas, and suggestions which have been developed by the Wage Board during its deliberations, is a reasonable indication of the activities and deliberations of this Board, simply as a document.

Specifically what I would ask for you to do is if it is agreed, is to state to the Industrial Welfare Commission:

"The members of the Wage Board for Agricultural Occupations whose names are signed below attest to the fact that the following is a correct record of proceedings and deliberations of said Wage Board."

This would be the whole document in which the various comments would be set forth as I have included. Is there disagreement with that notion?

Mr. Knowles: I think the only thing wrong, in my opinion, is that it should say "correct summary of the records" as it isn't the actual records.

Chairman: I would agree that this is what we are doing. This is a correct summary of the records. However, let's see, now in here we refer to the minutes and we also refer to the tape recordings, the transcripts. If they were included along with this report, then it would be a statement of the proceedings and deliberations of the Wage Board. Mr. Knowles is correct, as the document now stands it is simply a summary and I would think this is a better wording of that. Would you agree on this basis, that the members of the Wage Board for Agricultural Occupations whose names are signed below attest to the fact that the following is a correct summary of the proceedings and deliberations of said Wage Board, such that the Commission

recognizes that in here we have an estimate of what we were about and the ideas that developed therein.

Mr. Markarian: Would it be proper to say "substantially correct" because there may be slight variations, otherwise if you say correct -

Chairman: Well I would say, summary of the proceedings and deliberations of the Wage Board, because this is a matter of interpretation. All I am interested in, if you are willing to say, and I have done this to the best of my ability in terms of time, and all the other things that are involved, I am trying to get before the Industrial Welfare Commission the essence of our deliberations.

Mr. Markarian: Where there are differences of opinion between the employer members and the interpretations or the recording that you have here say on working conditions where there are slight variations, would that in essence mean ---

Chairman: No, I am going to have separate opportunities for each of these sections, to indicate whether you think you agree with it or not. Dr. Benedict indicates that there is opportunity for foot-note exceptions, but I think that in terms of what the intent here is, my intent is simply to indicate to the Commission here is the summary of our activities, and if you would be willing to go along on that, you will have ample opportunity in the details of this thing to indicate where you take exceptions.

Mr. Liddell: Well that would include the employer statement, and employee statement?

Chairman: That's right, the employer statement, the employer proposal, the employee statement, the Chairman's statement - there will be an opportunity for you to indicate whether you think you still buy this notion, or whether you don't.

Mr. Liddell: Well do you want a motion to this effect?

Chairman: I would like to submit it and then I would provide you the opportunity to sign, that the members of the Wage Board for Agricultural Occupations whose names are signed below attest to the fact that the following is a summary of the proceedings and deliberations of said Wage Board..

Mr. Knowles: I make the motion to the effect that this be signed as a summary of the records of the proceedings of this Board.

Mr. Thornburg: I will second it - I go along with that.

Mr. Gerdts: Question, In other words as I understand it, we will sign this statement that you have forwarded to us, even though we differ with some of the things.

Chairman: Oh Lord, yes. All this is, is a summary of what we have done. Now when it comes down to the specific sections in here, you will have an opportunity to say "we support this particular section," or "we do not support this particular section". In other words, you have got a statement in there concerning wages and hours. Do you still feel that this represents the employer picture, are you agreed that this is the situation, has anybody else agreed that this is what they would like to stand on so far as a statement on wages and hours - and people can say "I do" or "I don't" and names can be polled and they can be listed as not acceptable.

Mr. Gerdts: Now the way the wording of that motion is it says that this is accurate.

Chairman: Nobody said anything about it being accurate. We eliminated this, if you were listening - the members of the Wage Board for Agricultural Occupations whose

names are signed below attest to the fact that the following is a summary of the proceedings and deliberations of said Wage Board. Now if there is a second to the motion, I am ready for presenting the question. All those in favor of this motion please say "aye" - opposed - Mr. Gerdts says "no". All right, the motion is carried and you will have opportunity to indicate here if you do not believe that this is a summary of the proceedings of the Wage Board.

Mr. Gerdts: Mine is of nothing major, understand that, just a word here or there.

Chairman: Well obviously there is going to be opportunity to change that when we get down to specific sections.

Mr. Gerdts: In other words, let me clarify my question. We are going back into a workshop operation again.

Chairman: We are not going back into a workshop operation. I am simply coming to these sections and say "we agree or we don't agree".

Mr. Gerdts: Well that's fine, then I go right along.

Chairman: Then you are willing to vote "yes".

Mr. Gerdts: No - I mean everything is fine then since we are not going into workshop operation. I want to keep that channel open, see what I mean.

Chairman: Then this is a unanimous agreement, is this correct?

Mr. Gerdts: No, I am voting "no".

Chairman: I would like, however, where you do not indicate that this is a summary, you will indicate - prepare a section indicating why you do not feel it is a summary. So much for the general report.

Now the next thing that I want to come to is that we have this matter of working conditions which is presented to you in the form of a summary of those items which were covered in the minutes, and each of these items are noted and the substance that was agreed upon is set forth, and the specific reference to the minutes is noted thereon, so that on page 3 of this report before you on the subject of working conditions we have "Uniforms and Equipment" and what we agreed to in substance as was indicated in the minutes is set forth there. We go down the line on this basis for a variety of items under Working Conditions - Uniforms, Meals and Lodging, Meal Periods - which is simply setting forth what the minutes show we had in substance agreed upon.

Now what I would like to inquire is, insofar as this particular section is concerned, in which there are summarized the items on working conditions which were agreed upon in substance as set forth in the minutes, how many are prepared to say - this represents our estimate of what the recommendations should be on working conditions - these particular items.

Mr. Thornburg: The employer group has a list evaluating the resume with some questions which I would like to ask. Under Uniforms and Equipment we have listed paragraphs a, b, and c, here which we agreed to in substance. However, we have discussed paragraph d along the way which provides that an employer may require a reasonable deposit as security for the return of the items furnished by him under the provisions of b and c, and this was not included.

Chairman: This is right, and I recall the discussion on this matter but I was not

sure in my own mind as to whether it was agreed upon by the Board that this became an acceptable item under this particular section, and that it why it is not included. I am mindful of it and I have no objection to its being included, but I could not determine from my thinking of the thing that we had accepted it. If we had, I am delighted to add it, but as I recall there was some considerable debate about this matter of the requiring of a deposit because some people didn't have the where-with-all to put down the deposit and this is where I recall the thing was left, and so it was noted "and shall be returned to him upon completion of the job for which they are required, reasonable wear and tear excepted".

Mr. Knowles: In reference to this point and any other similar points, it is my recollection that the records will show that we voted on each of these sections as we went through them, and the position of the employee members is that where the records show that a vote was taken and approval given, it would be incorporated as our position on working conditions and that your record here does reflect all matters on which agreement was reached by vote. Unless the record shows to the contrary, our position would be that we accept this, and as far as we know it is an accurate reflection of what we did vote on and agree to.

Chairman: This is my situation insofar as trying to work into this report, without any opportunity to enter into discussion with all peoples concerned, appropriate interpretation of the proposal that came from the employer representatives, and I realize that here in some instances it was simply a matter of rephrasing which I didn't feel changed the sense of what we had agreed upon in the meetings, but was simply a matter of phraseology, and as long as it didn't change the sense of this, I had no objections to the proposed statement by the employers - it was simply a matter of wording - but in any case where the proposal concerning working conditions went beyond what I understood to be the substance of the sections that we had agreed upon, then I felt I was in no position if I didn't have the data to agree, or if I thought this was a perfectly legitimate estimate of the situation, I said so as a Chairman.

And so I would say that we will take up this matter of the proposed statement on working conditions as a separate item and confine our attention right now to just this section on what we did, and if you are agreed that this is a statement that we agreed upon with respect to these items, let's say so, and then when we want to go forward to this matter of the proposal that was brought by the employers, let's consider those items and you can either agree upon them or disagree upon them.

Mr. Pilipos: It is difficult for us, of course, to recollect these things without having come back to the record and reading all of the testimony. Now relevant to this, I remember I entered into this discussion at some length because it was in relation to cotton sacks, picking hoes, etc., and I think Mrs. Huerta was talking about under b here, "no employee shall be required to contribute directly or indirectly from the wage for the purchase or maintenance of tools or equipment". I recall distinctly the discussion relative to this item because I could see no way under which an employer then could furnish the equipment because the employee didn't have it, and then at the end of the period or week or day or whatever it was, when he had earned enough money to pay for this piece of equipment, because there is no way to get it back. You can't even deduct it from his wages.

Chairman: Well this doesn't say that, Mr. Pilipos. It says - shall not be required.

Mr. Pilipos: What does it require?

Chairman: As a condition of employment he shall not be required to contribute directly or indirectly from the wage. On the other hand if you agree to sell him

a piece of equipment -

Mr. Pilibos: But he doesn't have the money to buy it, so you give it to him to get the job done. Now I used the term "give" in the literal meaning, not in the legal meaning. At the end of the week when he got his payroll, then you deduct \$2.00 for this hoe that he has taken. Now he comes for his check and the hoe is not there. Can you deduct for this hoe under this interpretation and under our testimony? What was our understanding?

Chairman: I will be interested in the comments of the rest of the group.

Mr. Pilibos: I don't want to agree to something here that I don't realize the effect of - I don't think that issue has been resolved.

Mr. Johnson: It seems to me that we decided that it would not become a condition of his employment, but that we would have the right to collect a reasonable deposit on the thing, as I remember.

Chairman: Page 3 of the Minutes of May 2 reads as follows: Section 9(b) was discussed at considerable length, the employer representatives stating that it was historically the practice for employees to furnish some of the tools, such as cutting knives, cotton picking sacks, etc., which the employees liked to adjust to their own personal needs, and that it would be difficult for the employer to maintain many varied types of equipment to suit different individuals; also that tools furnished by the employer often were not returned or were not maintained in a proper condition. Several employee representatives felt that workers might be denied employment if they did not have their own tools, and often did not have the funds to purchase such equipment prior to going to work. It was suggested that a deposit or rental system might be used to secure the return of the tools.

Page 4. Discussion was resumed on Section 9(b). It was the consensus that the wording of the present subsection would not affect the situation where tools are traditionally furnished by the employer, nor does it affect a situation where they are traditionally furnished by the employee, that it states that the employer cannot require the employee to buy tools, nor can the employee require the employer to maintain his tools. It was therefore agreed to accept Section 9(b) as written in Order 8-57.

Mr. Johnson: I don't know that we accepted the Order. In the copy of the original order that I got, I got everything marked "O K in essence".

Chairman: This is right, this is all that we are talking about here, Mr. Johnson, because it says here, "Using Order 8-57 as a guide, the board discussed the working conditions sections at length and it was found that the members were in substantial agreement on the sections as set forth below. (For discussion and reasons for the action, reference is made to the appropriate minutes.)" In the minutes it refers specifically to the fact that we had agreed in substance on these things.

I find it, frankly, an impossibility at this stage of the game to deal with these small differences in wording when I know that what we are running up isn't the basis of the wording in the wage order which the Commission has the responsibility to pursue, and essentially what we would be doing now if we spell out each one of these items in words, is essentially writing the final wage order. We are simply making recommendations concerning them, so I don't think we should get bogged down in trying to again arrive at the final wording. We are simply giving to them the sense of our notions on these various items, recognizing in the hearings ahead that are going to be held, the wording is to be finally decided by the Commission. So I think it is important here that if in substance this is agreed upon, we say so, or

those who are prepared to say so to so indicate, and those who agree that it isn't to so indicate.

Item d in the proposal of the employer members sets forth that "an employer may require a reasonable deposit as security for the return of the items furnished by him under the provisions of Subsections (b) and (c) just above" - this is on page 4 under Uniforms and Equipment. This, as far as I am concerned, simply restated in a, b, and c, my interpretation of what we had agreed on over here in a, b, and c, but it added the item which you commented above, Mr. Pilipos.

Mr. Pilipos: What page are you reading from?

Chairman: I am reading from page 4 of the Proposed Industrial Welfare Commission Order for Women and Minors Employed in Agriculture, Exhibit 1. This is the employer proposal, and it seems to me that when we come to this particular item if ~~are~~ if agreement with this thing as it is set forth, they have an opportunity then to note d as part of their need. If, on the other hand, people don't agree with it, they can so indicate.

This is why I thought if we could move from section to section, we would have an opportunity to show where we are in agreement as the minutes indicate, and where there is disagreement.

Mr. Thornburg: In other words, we will have a chance to agree to d when we consider A-1, but at the present time all we are worrying about is that there was agreement on a, b, and c.

Chairman: That's right.

Mrs. Huerta: How is it possible to agree on one thing and then agree on something else that contradicts it?

Chairman: Well you will find out.

Mr. Pilipos: That is the argument I am going to run up against, that I agreed to this and this is not what I agreed to. I can't understand this. I may be a little thick but I don't want to impede your progress, so I will just delay my opinion and you go ahead.

Chairman: Let me put it this way. In the minutes it indicates that we in substance agreed to a, b, and c. This is a fact, and this is all that I am asking, that you recognize that in the minutes we agreed to a, b, and c. When it comes over to the proposal, the minutes do not show that we all agreed on a, b, and c. This was a proposal that came in at a time when we were bogged down with other things and didn't have opportunity to discuss that in detail, so when it comes over there to the proposal, Exhibit 1, as I indicated in my statement, I agreed with many of the things that you set forth, but there are some sections in here where I was not prepared to agree at the time I wrote my statement, and I may so indicate that I agree with the proposals set forth in Exhibit 1 with the following exceptions - maybe on the basis of today's discussion there won't be those exceptions, I don't know. This is how I propose to proceed to go from one item to another, - just the same as in the employee's minority report there were things that I disagreed with, but on the other hand there were sections which they covered which I feel I would go along with and I will put my name down, that this I agree with with the following exceptions.

Mr. Pilipos: Well could we do the same thing then, could we say that we agree with a, b, and c, with the exception that d should be added to this section here on uniforms?

Chairman: This is what you have a right to do.

Mr. Knowles: My recollection is that you sent out to us, after we were through with the working conditions discussion, a summary of what your understanding was of what was agreed to and asked each of us to reply to you whether this was agreeable to us, and I recall doing that and indicating one or two places where we didn't have complete agreement, but that we agreed on all of the other points.

Following that letter the employers submitted this Exhibit 1 which is their understanding of what had been agreed to on working conditions, and we noted, speaking for the employees, that there were certain differences between the two, and a letter was written to you by me, speaking for the employees, who had designated me to write this letter, stating that so far as we were concerned we stood on the record of the minutes and that we did not accept the employers exhibit 1, and that is our position. It seems to me that the employers' position is that they stand on exhibit 1 wherever it adds to or differs from the working conditions.

Chairman: Well this is in essence as I see it.

Mr. Thornburg: Well then may I ask a question in an endeavor to clear the air as far as our group is concerned. We would in no way then impeach ourselves if we agreed to this statement here as presented, if what we have presented is merely something in addition to -

Chairman: Either in addition to or correction of -

Mr. Thornburg: Well I would say that we certainly couldn't agree to this if there is to be a correction - but if we are merely going to add to it - if there is going to be a substantial difference we certainly can't buy this. However, if we just agree to this and then ask for something more then we could certainly sign this and then ask for something else.

Mr. Pilipos: Why don't we agree with exceptions?

Mr. Thornburg: I want to go a little further. I don't see any reason why we can't agree and reserve the right to make addenda, but I think there are a couple places down here where if my thinking isn't too far off there may be some substantial disagreements, as far as we are concerned, with what was presented here in this report. I don't think there is any substantial disagreement and I think, if I remember the discussion, we decided that the wording of a, b, and c, if interpreted on a strictly legal basis would not preclude an employer asking for a deposit, and that the request for a deposit to insure the return of the tool was not asking the employee to contribute to the buying of that tool, but merely a deposit asking for the safe return of it, and that it was a matter of interpreting the thing and that the employer still had his right to ask for his deposit.

Mrs. Huerta: I am afraid this is not the right interpretation here. I think if we go back to our wage order, I think we found that actually the employee should not have to make a deposit but that the employer could deduct from the wage in case of loss of equipment. Actually this is something that would have to be deducted from the pay check - it is not to stop the employer from deducting from the pay check for loss of equipment, but it does stop the employer from making it a requirement to pay a deposit, and I think this is the conclusion that we reached at the time we discussed it.

Mr. Thornburg: We would have to call it a deposit, Mrs. Huerta, otherwise -

Chairman: Well, Mrs. Jensen suggested that we could take these sections on working conditions and amend them and vote on the acceptability of the amendment, but this to me is going to get us into such a state of talks - I would prefer to take a look at this section on working conditions, as it is recorded here as accurately as we know how from the minutes, as what in substance has been agreed upon, and either indicate individually our willingness that this represents a fair statement of working conditions as agreed upon by the Board, and are willing to recommend this to the attention of the Industrial Welfare Commission, or we are not.

The employee representatives have already indicated that they are prepared to sign that this is a suitable representation or recommendation from the Board to the Commission, I am prepared to sign it, and you on the employer side can sign or not as you see fit.

Mr. Liddell: Mr. Chairman, on the basis of this discussion and the clarification that this does not limit us to alter, or add to, or detract from, I would move that this be accepted as a representation of tentative agreement.

Mr. Knowles: I second the motion.

Mr. Thornburg: It was agreed here just a moment ago, however, that it would certainly not be correct for us to agree to this if we wanted to do anything other than add to it.

Chairman: I think this makes sense to me, that if it is/that you disagree with what is down here, then to say that you agree with the whole document is wrong. If, on the other hand, you agree with what is here but recognize that it is not enough and you want further stipulations put in, as presumably might be covered in your proposal, then there is the opportunity to agree with this and then go on to indicate what you indicate is necessary in addition.

Mr. Thornburg: You may want to call for the question, but we don't have anything - there are only two or three places where we want to do anything other than add to it. I think in the case of this section d, all we were doing is spelling out what we had agreed to among ourselves would already be proper to do, under this wording here, so let's just forget that as an issue because that can be added later if the Wage Board sees fit.

On Meals and Lodging I don't think we have any disagreements; on meal periods, none there; rest periods, there was substantial agreement; for dressing and rest rooms, that depended upon the definition of on-farm packing for agriculture; drinking water, we made the exception there when we added "except when individual water containers are available to employees"; there was substantial agreement on toilet and washing facilities.

Mrs. Huerta: Wasn't there a motion on the floor?

Mr. Thornburg: Yes, I will be very brief and I promise not to take too much time, Mrs. Huerta, if you can see fit to let me continue here. Lifting, I think there was a substantial disagreement and this is the only thing I would like to discuss before we acquiesce to this whole thing. We agreed on First Aid, but you said, no female employee shall be required to lift or carry any object weighing in excess of twenty-five pounds, except upon permit from the Division. It was my recollection on this, that we took the letter which Mrs. Clifton sent us on the 50-pound deal and the 5-foot stairs, and decided to incorporate that whole thing in there so that our order would be spelled out exactly the way she enforces it.

Mr. Liddell: I was looking at that too, Mr. Thornburg, and I felt that probably this clarification could be in addition to that. That was one reason why I made this motion.

Chairman: Section 17, Lifting - this is page 2 of Exhibit 4. Lifting seemed to be acceptable to all members. However, a question was raised as to the interpretation of Section 1252 of the Labor Code which states: "No female employee shall be required or permitted to carry any object weighing 10 pounds or more..". The Board requested the Division's interpretation of this section, particularly with reference to the word "permitted". It was requested that the Chairman find out who is responsible for policing this requirement; if the employer is held responsible if the employee carries more than the 10 pounds. It was also requested that the Chairman secure the Division's experience and practice in enforcing this section. The Chairman said he would obtain such information from the Chief prior to the next meeting of the board.

Now we go on to page 2 of July 7, which is Exhibit 5, which says Weight Lifting. The memorandum of the Chief of the Division was read (See copy attached). and this section was acceptable as written in Order 8-57.

Mr. Thornburg: In other words then we are casting ourselves on the waters of administration procedure.

Chairman: This is part of the Labor Code and as I gathered from the discussion at the time, this is my recollection, with Mrs. Clifton and Mr. Stoltz, this whole matter of enforcement was the difficulty here and that a ladder was interpreted in the same light as stairs, and if the individual did not go up higher than a certain level they could move 50 pounds up and down. If, on the other hand, they went higher, then the 10-pound would prevail, so we were sticking essentially to this interpretation.

Mr. Liddell: I have it here in the paragraph of the letter from Florence Clifton to our Chairman. In paragraph 3, letter of July 7, 1960, it says "As to the practical application of this requirement as now set forth in the Labor Code, we have construed this section to permit women to carry weights up to fifty pounds down ladders, provided she is not required to ascend the ladder above the five-foot level. In effect, if her feet were just below the five-foot mark, added to her own body height of five feet or more, plus her arm reach, she would be able to pick fifty pounds of fruit per trip from trees that are approximately  $11\frac{1}{2}$  to 12 feet tall."

Chairman: And it is my understanding that Order 8-57 permits this, or this is their interpretation of it.

Mr. Thornburg: Well if you can read all that into a statement, I don't see how we can dispute it.

Chairman: Well it is the Labor Code that establishes the background for this, I believe. All those in favor of Mr. Liddell's motion -

Mr. Liddell: The motion as I understood it, or intended it to be, was that it would cover these working conditions -

Chairman: As set forth here on pages 3, 4, and 5. Are you willing to indicate -

Mr. Gerdts: Mr. Chairman, I would be better prepared after dinner to give my support or vehemently disagree. This way, I am in between.

Chairman: Essentially what I have got here - the members whose signatures appear below concur in the foregoing statement pertaining to working conditions, pages 1 through 5, so if you agree with what is down here there is opportunity for you to say so; the members whose signatures appear below do not concur in the foregoing statement, and there is one for members who abstain, not saying one way or the other. So I think it is not necessary to have any other action than to be prepared to sign this particular document, indicating your action on it, as to whether sections 1 through 5 represent our estimate of the situation or not.

Mr. Knowles: I don't understand you, Mr. Chairman. There was a motion made and seconded and the question was called, and what are you saying now?

Chairman: I am simply asking now for the question. All those in favor.

Mr. Singer: Is this a question on the entire thing or on the original?

Chairman: On the first five pages.

Mr. Singer: Mr. Chairman, will you table that motion until after lunch. I ask for it to be tabled until after lunch.

Mr. Knowles: I think there is a point of order. I think it is not debatable, Mr. Chairman.

Chairman: All right, all those in favor of tabling this -

Mr. Knowles: My point of order is whether a motion to table is in order after the question has been called.

Chairman: Any time.

Mr. Knowles: I guess you are right.

Chairman: All those in favor of tabling it until after lunch please say "aye" - opposed - the table motion is defeated. I defeat it, so all that we are holding on is the fact that you have opportunity to sign your name on this thing, for or against.

Mr. Knowles: What is the motion - may I have it read, please?

Chairman: The motion - I think that the motion should be/stated on this basis, because the finalizing of this is the appearance of your signature either for or against, so you are not having to commit yourself Mr. Singer until you study this, and you too, Mr. Gerdts.

Mr. Thornburg: Mr. Chairman, I think the whole basis for the employers reticence on this is a fear of committing ourselves to this only. We agree with what is said but we would like to go a little further, and if the substance of the motion that we reserve the right to make addenda, but that we agree with this as far as it goes, and if it is agreeable with the second that that should be added, I am sure that we can get a unanimous vote on this.

Mr. Knowles: Mr. Chairman, that is agreeable to the second.

Mr. Liddell: I agree to it as maker of the motion, and I am under the impression that this was clarified before I ever made the motion, and that is why I voted that it not be tabled because in my opinion it is very clear that this does not commit us and that it can be added to.

Mr. Gerdts: Will that be added to the motion, then, as Mr. Thornburg brought out?

Chairman: Let's have the motion on this basis. Will you restate it, Mr. Thornburg, as you understand it.

Mrs. Hardeman: He didn't make the motion.

Mr. Liddell: I know, but I agreed to this suggestion by Mr. Thornburg to be added to this.

Mr. Thornburg: In other words, the employee members may come up with addenda which you may think of, and I think this will serve both sides of the table equally well, and that was that we agreed to this motion as you read it regarding pages 3 through 5, or whatever it was, as far as it goes and that we have the reservation of making addenda, but that we agree with this as far as it goes.

Chairman: All those in favor please say "aye" - opposed - motion carried.

Mr. Markarian: I abstain

Mr. Pilibos: I abstain too.

Chairman: All right. Now we move on to page -

Mr. Singer: Do we leave that and we don't go through with what we felt has been left out of this?

Chairman: No, we are coming to that when we come to the proposal on working conditions.

Mr. Thornburg: Our proposal is an exhibit and we will consider that just as carefully as we have considered any of these.

Chairman: Presumably it is at the point of considering your proposals that you will either agree to or take exception to or add to what has gone before, - so we come now to the section on Exhibit 1, which is the Proposed Industrial Welfare Commission Order for Women and Minors Employed in Agriculture, as set forth by the employer members, and in this there were sections which were covered which we had not reached any particular agreement upon, but which I think we should go on record one way or the other as agreeing to, and the first item - and I think we will take these up item by item and this will provide the employer and the employee people an opportunity to say - this is all right with us, or it is not. So in essence there is an opportunity on certain sections of this to come to an agreement; there is opportunity at other points to have disagreement.

Mr. Knowles: I would like to state the employee position on this, if I may., The draft which the employers submitted and which is shown as Exhibit 1, includes various matters which we didn't discuss under working conditions, and for that reason our position on this is going to be that we stand on what we just voted on. If the employers under this section want to add to what we just voted on, then we have no objection to that being put to a vote, but we see no reason to go through matters which we didn't discuss under working conditions.

Chairman: Right - Applicability of the order is one section which hasn't been covered under .... Applicability of Order, Definitions.

Mr. Singer: Just for the record, I think the employee representative is wrong. I think these were discussed during the meetings.

Chairman: Well, Mr. Knowles indicated that we hadn't arrived at any conclusion which was recorded in the meeting - in the minutes of the meeting - as exactly what had taken place on some of these items. They were discussed, that is right.

Mr. Singer: I just want to correct the record.

Mr. Knowles: I am referring particularly to the Applicability of the Order, Definitions, and those matters.

Chairman: I would like to take up these items here, No. 1 of the proposal by the employers, that is Applicability of the Order. I indicated on page 6 of this report - "the proposal by the employer representatives also contained suggested wording for sections on Applicability of Order, Definitions, Records, and Preparation of Farm Products for Market, which had not been discussed in detail by the Board. The wording of the section on Applicability of Order is acceptable to the Chairman as is the statement on Definitions with an exception" - so you have my thinking set before you on the matter of Applicability of Order.

Mr. Singer: Pardon me, Mr. Chairman, you are way ahead of me. What page did you say this is?

Chairman: My evaluation of this is on page 6 of the report, just prior to page 7 and prior to Exhibit 1. The proposal of the employer representatives is on Applicability of Order:

"This order shall apply to all women and minors employed:

1. On a farm in any occupation set forth in the definition of Agriculture contained in Paragraph 2(c) hereof;
2. In any occupation performed in any structure in which farm products are prepared for market as defined in Paragraph 2(d) and Paragraph 2(e) hereof;

except that the provisions hereof shall not apply to any woman or minor employed in administrative, etc."

Now the only exception which I had to this item on Applicability of the Order was that paragraph 2(e) indicates a definition which I felt I would like to get a reaction of the people to - Structure in which farm products are prepared for market means (this is on page 2 of this employer proposal as a definition of an on-farm structure) a permanent covered structure in which operations are performed for more than thirty (30) -

Mr. Knowles: May I talk to you for just a moment on the numerology here, where is 2(d)?

Mr. Thornburg: 3 is a misprint on the first page, it should be 2 there for Definitions.

Chairman: You will find this at the bottom of page 2 under (d) which says - "Structure in which farm products are prepared for market means a permanent covered structure in which operations are performed for more than 30 consecutive days and in which at any one time more than 20 female or minor employees are employed."

This was the proposed definition of what was meant by an on-farm structure or on-farm packing shed.

Mr. Pilibos: Now it says here both of these, permanent and 20 female or minors, in other words it could be either one or the other of these factors being missing would not comply with the definition of structure.

Mr. Thornburg: Regardless of how many, if you had more than 30 days it would be permanent, or regardless of how many days it was there if more than 20 females or minors were hired it would be considered permanent.

Mr. Knowles: Do I understand you correctly, - you think there are two criteria here, one would be permanent or that it would be a structure in which they would work 30 days?

Mr. Pilibos: In other words it should be "or" then instead of and.

Chairman: Will you let the question be answered by Mr. Thornburg.

Mr. Thornburg: It is strictly my interpretation of it, in other words we are defining a structure because this thing refers back to structure here later, a structure in which farm products are prepared for market, and if you run it for more than 30 days it would be regarded as a permanent covered structure, or if you employ more than 20 females or minors it would be so regarded. In other words, I believe the testimony will bear me out, that when I presented this thing I said that I was sure the employees were going to have a comment on this section because this was one of the places which we acknowledged when we presented this draft here that it departed from our agreement <sup>here</sup> in the meeting, and that when we got this information passed out among the employer members we had an immediate reaction from all over the State from small harvest operations where they got together a crew and did some packing on the farm, and when we had agreed to these sections covering the on-farm packing sheds we had in mind operations like Mr. Pilibos' cantelope packing shed, and so on and so forth, that were large operations that were comparable to any off-the-farm packing sheds. When we realized that this thing had spread or could be spread to a lot of small farmers that would just virtually stop their operations and if they weren't especially in grapes and tree fruit and one thing or another, where they pack a crop for a few days and leave, we thought that should be defined and this is our effort to define it.

Chairman: This is right, and my reaction to it was simply one of not having sufficient background to know whether something occupied 30 days consecutively was an appropriate figure, or 20 people or 10 people or 30 people. I just had no figures for judging this and that is why I simply indicated to those who will be concerned with definitions that I withhold any judgment on this score, because I have no background to arrive at whether this is an appropriate definition of an on-farm structure, so the indication so far as I am concerned is that I would abstain from any voting on that particular item of 2(d) because I don't have the background that enables me to say yes or no and make sense.

It is now 12:15 and I would suggest that you are aware of what we will be doing on this particular proposal of trying to find out where there is agreement and where there is disagreement.

Mr. Thornburg: I think this is probably the most substantive change of any that were proposed in this whole draft of ours and we will certainly welcome discussion. We felt that just to put a blanket thing in for on-farm packing sheds, there were a lot of little packing operations to which we were not really mentally referring when we acquiesced and said, all right let's take - I think it was sections 13, 14, 15 - and apply them to the on-farm packing sheds. We were really talking about a permanent packing shed operation, and this is our attempt to define that very

area in between black and white, as there are a lot of small farmers that pack up various foods, and we are trying to define them.

Chairman: I would suggest that you think on this particular item during the lunch hour and we will reconvene at 1:30.

.....

Chairman: I will declare the meeting in order ... In thinking about what I believe we are trying to accomplish here today, I hope profiting by the experience of the morning, I have this suggestion to make concerning how we might continue to look at this material before us.

It is my belief that we are here today trying to insure that what is laid before the Industrial Welfare Commission in the way of a report, represents the thinking of this group as best we know how, not unanimous thinking; it is essentially what this group has talked about and thought about such that the Commission has the benefit of our deliberations as they go about the next job. So on recognizing that this, I believe, is the objective, trying to insure that they have the benefit of our thinking, I would propose that we come to viewing the proposal of the employers, Exhibit 1, in the following fashion.

I would like to ask the employers if they are agreed that this is their best estimate of the kind of information that should be before the Commission concerning the material here; do you stand by the material that you have got set forth here in this report? I am asking that question of the employers - do you feel this represents your thinking and ideas on what ought to be contained in the items that you set forth in this Exhibit 1?

Mr. Gerdts: How about adding to it, that Appendix A?

Chairman: Just let me follow up on this and you will see how I come to that. Does this proposal set forth what you as employer representatives believe is your interpretation and thoughts to the Industrial Welfare Commission on these items. Exhibit 1, your Proposed Industrial Welfare Commission Order for Women and Minors employed in Agriculture. I am simply asking, do you still stick by this proposal in content?

Several Voices: Yes, O K.

Chairman: That's fine, we have gotten this far - you stick by this one. Now let me ask the employee representatives, are there parts of this which you believe is a suitable representation of these points? In other words, I could ask is there disagreement with this statement, and I think we know there is. I am rather asking you are there parts of it with which you too agree? We know that the employers agree that this represents their best estimate of the situation on these matters. Are there sections within this that the employees agree with?

Mr. Knowles: Insofar as Exhibit 1, this proposal, adds anything to the summary of the working conditions which we have voted on today, we object. In addition, we had not previously had an opportunity to present to the Board our position on the Applicability of the Order, or of the Definitions, and we do not agree with the employers on these two points, and I would like at this time to submit to the Chairman our position on those two points. I will, if you desire, read them into the record here or they can be included in the record. I have given a copy to Mr. Thornburg.

Chairman: All right. Now we have before us these facts. The employer representa-

tives feel that Exhibit 1 represents their best estimate on these items; that insofar as Exhibit 1 repeats what has been set forth in this previous section, the employee group is in agreement with Exhibit 1, but the additions to, plus the items on Applicability of Order and Definitions, you take exception to here.

I would like, therefore, for you to read your Section on Applicability of Order and Definitions, to see whether what you propose is agreeable to the employers; if it is not, then we have defined the situation, as far as I am concerned. This is all that we need to say on this section. This is where the employers agreed, this is where the employees agreed, here is where they disagreed, here is the Chairman's estimate. Boom! This is before the Commission, and there is no need to go further on that score. So would you kindly read the employee statement, Mr. Knowles, on Applicability of Order and Definitions. I believe you all have copies of it, is that correct?

Mr. Knowles: I didn't have enough copies for everybody, but I have given them enough so they can all look at it, I think.

Our proposal follows the language of the After Harvest Order 8-57, and in addition follows the language of the Unemployment Insurance Code, as far as definition of Agriculture is concerned. I will read it; - Employees Proposal with respect to Applicability of Order.

"This order shall apply to all women and minors employed in the agricultural industry whether paid on a time, piece rate, commission, or other basis, except that the provisions hereof (I am striking out 'of Sections 3 through 12') shall not apply to women employed in administrative, executive, or professional capacities, (now I am adding this) nor to any woman or minor covered by Industrial Welfare Commission Order 8-57.

"No woman shall be considered to be employed in an administrative, executive, or professional capacity unless one of the following conditions prevails:

- (a) The employee is engaged in work which is predominantly intellectual, managerial, or creative; and which requires exercise of discretion and independent judgment; and for which the remuneration is not less than \$350 per month; or
- (b) The employee is licensed or certified by the State of California and is engaged in the practice of one of the following recognized professions: law, medicine, dentistry, architecture, engineering, teaching, or accounting. "

With respect to Definitions, the following is the employee members proposal:

- (a) "Commission" means the Industrial Welfare Commission of the State of California.
- (b) "Division" means the Division of Industrial Welfare of the State of California.
- (c) "Employed in the agricultural industry" means, but shall not be limited to, employment involving services performed on a farm in the employ of any person in connection with the following:
  - (1) Preparation, care and treatment of farmland including leveling for agricultural purposes, plowing, disk ing and fertilizing the soil;
  - (2) Sowing and planting of any agricultural or horticultural commodity;
  - (3) Care of any agricultural or horticultural commodity, including but not limited to, cultivation, irrigation, weed control, thinning, heating, fumigating, spraying and dusting;

- (4) Harvesting of any agricultural or horticultural commodity, including, but not limited to, picking, cutting, threshing, knocking off, field chopping, bunching, baling, field packing and placing in field containers or in the vehicle in which the commodity will be hauled on the farm or to the place of first processing;
- (5) Assembly and storage of any agricultural or horticultural commodity, including, but not limited to, loading, roadsiding, banking, stacking, binning and piling;
- (6) Raising and feeding of livestock, mink, poultry, rabbits and bees, including, but not limited to, herding, housing, hatching, milking, shearing, handling eggs and extracting honey;
- (7) Transporting to delivery point or point of first processing, and marketing of any agricultural or horticultural commodity;
- (8) Operation, conservation, improvement or maintenance of such farm and its tools and equipment.

(This is based on the Unemployment Insurance Code definition.)

- (d) "Employ" means to engage, suffer, or permit to work.
- (e) "Employee" means any woman or minor employed by an employer.
- (f) "Employer" means any person, as defined in Section 18 of the Labor Code, who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of a woman or minor.
- (g) "Minor" means, for the purpose of this Order, a male or female person under the age of 18 years.
- (h) "Hours Worked" means the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so.
- (i) "Teaching" means, for the purpose of this Order, the profession of teaching under a certificate from the California State Board of Education or teaching in an accredited college or university.
- (j) "Emergency" means an unpredictable or unavoidable occurrence at unscheduled intervals requiring immediate action."

That is our proposal on those two items.

Chairman: Are there any comments concerning this proposal?

Mr. Markarian: Mr. Chairman, I would just like to make one comment. When the employers made suggestions of this type, we had them in the hands of the employees far enough ahead of time so that they could have plenty of opportunity to analyze them. We, as lay people, are unable to understand all of the implications involved in these suggestions, and this is the second time actually this thing has happened. We get their suggestions in this material that you send out to us, that evidently was available a long time before but didn't get into our hands until the very last minute. It doesn't give us an opportunity to, as I said, analyze this thing properly, and if for no other reasons- and I am sure there are a great many other reasons, - I will refuse to approve this particular presentation.

Mr. Knowles: May I make a talk. The points covered and the language are almost identical with the Exhibit 1 of the employers except for the first section of the employer proposal which is Section A,1 & 2. There we differ with you; otherwise

it is almost identical except for Sections d, e, and f of the employer proposal. You follow the same Unemployment Insurance Code definitions that we do except for three items which have been added by you, that is (d) Structure in Farm Products (e) Preparation of Farm Products for Market, and (f) your definition of a Farm; otherwise we are in agreement.

Chairman: Well now it appears to me that the point that Mr. Markarian has raised concerning the need for an opportunity to satisfy himself that differences do not exist on the one hand, or do exist on the other, is a legitimate one, and rather than struggle again to spin through these definition by definition by definition, I am wondering if this cannot be handled on the basis that I have indicated. The employer representatives have set forth their definitions, this section on the proposal related to working conditions, and they are prepared to say this represents their estimate of the situation. The employee representatives would be prepared, presumably, to sign a statement that says that insofar as the employer statement coincides with the statement in substance which we have agreed to earlier in the minutes, and to our proposal for definitions which is here attached, we are in agreement, and you can proceed to sign it. Where it is obvious to the Commission that there is not agreement, then this is up to them to take it from there. But essentially there is before the Commission the fact here is what the employers believe, here is what the employee representatives believe, and where there are differences this is where the area of disagreement exists, and we needn't get into going down item by item and getting sixteen signatures or seventeen signatures saying this one is OK.

Do you see any objection to this sort of presentation to the Commission. Here is what you are on record as agreeing to, here is what they are on record as agreeing to, and the thing that I am laying before the employee representatives is the fact that we can devise for them a sheet which would say that with respect to those items covered in the proposed statement on working conditions, Applicability of Order and Definitions, we are in agreement with the information set forth there as long as it coincides with the information set forth in the minutes; otherwise we do not agree to the additions or to the specific sections, so the Commission is aware of where you don't agree with them, and that is all that I feel is necessary for the Commission to know. They have your statement, they have this statement, and they know wherein you agree and disagree. Is there any reason why we can't handle it on that basis?

Mr. Thornburg: I guess that is the only way we are going to get it done.

Chairman: This is right, otherwise we will be here until doomsday banging out one word after another, and so this is what I would propose be our method of handling each of these sections.

Mr. Thornburg: Then our proposals that we are voting on, will be exactly as they are worded in this report that you have handed to us, and there will be no other alterations made between now and the time .....

Chairman: This is right, because when you agreed this morning that this report sets forth your estimate of the situation, as far as I was concerned this would not change this report one iota, but there would be in the form of these statements which you sign, indication of where in the report you are in agreement or you are in disagreement. All of the facts are here before them, so this, I think, enables us to move about this and actually lay before the Commission, O K, this is where we agree and this is where we disagree. So I would like to have a sheet developed which on the one hand has a section - the members whose signatures appear below concur in the foregoing statement, Exhibit 1 - and on this basis all of the

employer representatives are prepared to say that they concur in that foregoing statement. Then there would be another section which says - the members whose signatures appear below do not concur in the foregoing statements, -but insofar as that statement coincides with the section that appears in the minutes and were agreed upon by the group, we are in agreement - and this takes care of that.

Then you can also indicate that you have got additional sections that you want to put before them, that the following sections are submitted by the employee representatives as their estimates of the wording on Applicability and Definitions.

Now what we will have to do is work out the wording of that section - the members whose signatures appear below concur in the foregoing statement, "Proposed Industrial Welfare Commission Order for Women and Minors Employed in Agriculture, Employer Proposal, Exhibit 1", so there is no question about what you concur in. Then what we need to work out here is the appropriate statement which the employee representatives are willing to attest to, and I would be interested in how you would like that worded. I am suggesting that from the comments which you have already made about it, that insofar as the employer proposal adds to the items listed under working conditions as set forth in this report, the employee members do not concur. This is pages 3 through 5. With reference to Applicability and Definitions, the employee members do not concur with Exhibit 1, and submit herewith their definitions for these two items as Exhibit 1A as amended. Then this would provide for the signatures..

I would then like to move on to the statement by the employer representatives, which is Exhibit 8 in this material which you have, and I would ask the same question. Does the Statement of Position by the employer representatives relative to the matter of Wages and Hours - is there any question on the part of the employers at this point about this setting forth of your ideas on this subject? Is there any comment that you wish to make about it as not representing what your position is, so that we can then have a sheet stating - the members whose signature appear below concur in the foregoing statement, Exhibit 8, Statement of Position of Employer Members.

Now I would ask if there are any employee members who concur with this statement?

Mr. Knowles: We discussed this and our position is still the same.

Chairman: O K, so then we will have - the members whose signatures appear below do not concur in the foregoing statement - that takes care of that - Boom! Now we are coming to Exhibit 9. This is the minority report of the Employee Members of the Agricultural Wage Board of the Industrial Welfare Commission. This is the report which was submitted by the employee members.

Mr. Thornburg: Now we have a supplemental report today, which is No. 9.

Mr. Knowles: Well it hasn't been put on the record yet.

Chairman: Do the employee representatives still agree that what is before them in this report dated September 30, 1960, represents their position on the subject of wages and hours? This statement as it involves Minimum Wages, Reporting Time Pay, Permit for Handicapped Workers, Records, Cash Shortage and Breakage, and Hours. You have no changes to propose in this statement?

Mr. Knowles: No, we have no changes to propose in this statement. We would at this time, however, like to submit a supplement to it ..... (change of tape).....

Mr. Markarian: A lot of this material was never discussed, that I see in here.

Chairman: Be that as it may, what we have here is a report of a statement of the employee representatives which they are submitting as the background information which they used in developing now Exhibit 9.

Mr. Pilibos: Mr. Chairman, this original recommendation by the employee members of this Board was submitted on September 30. I have no recollection of ever getting this before I got this particular mailing, which was made on December 5th. Now what happened during that interim period?

Mr. Knowles: May I correct the date - it should be September 13.

Mr. Pilibos: Well that is even worse.

Chairman: This is my problem, my fault. I received a statement from the employee representatives which was sent to me September 15th which essentially set forth their estimate of the situation, based upon the discussion during the 12th and 13th and they wanted this as a part of the minutes of that 12th and 13th meeting. I think there were 5 copies sent to me, and I simply have included them as part of the record as was indicated. Then I subsequently got a note indicating that further discussion of this particular proposal they wanted to amend - the one originally sent to me - and simply forwarded this additional one for attachment to the record. So when this material was mailed out to you in the form of the whole report, this material was included as part of their statement, just in the same fashion as the proposal and statement which you brought in was included as part of the record.

So I would have here on this particular September 30, Exhibit 9 and 9A, a statement which would say - the members whose signatures appear below concur in the foregoing statements, Exhibits 9 and 9A - and you can sign it. Then the members whose signatures appear below do not concur in the foregoing statements, and those who want to sign it - then also one for members who wish to abstain if that is the condition would follow this particular section.

Mr. Singer: I see the employee group has just handed in a copy of the background to their No. 9 here. We have a copy here that we would like to hand in as a background on No. 1. Is that permissible?

Chairman: Certainly. This is the Statement of position of the employer members of the agricultural wage board regarding more than 250 occupations in agriculture, to the Industrial Welfare Commission, which presumably is being submitted as a background statement for what - statement of position, which would be Exhibit 8? Or is it background for Exhibit 1?

Mr. Singer: Exhibit 1.

Chairman: You want it as a supplement to Exhibit 1 which is Proposed Industrial Welfare Commission Order for Women and Minors Employed in Agriculture - so this would become 1B - or we will take care of the numbering later on....(inaudible) Mr. Thornburg just made a statement to Mr. Pilibos and to me and the others didn't hear it, which is appropriate. All of this information will be part of this report and that is the main thing, to see to it that it goes before the Industrial Welfare Commission, and I shall do my best to see to it that it is appropriately identified and placed within the report so there will be no cause for a mix-up, and if there is a case of reference to certain portions we will spell it out by page so there won't be any question again.

Mr. Liddell: When you sent this report out you requested our reaction to it as individuals, which we have done. Will these be part of the record.

Chairman: If you would like them to be included as part of the record, I will be

appear  
happy to include this as part of the record. There will / the replies of the Board to the proposed draft of the report to the Industrial Welfare Commission. You see when I mailed this thing out to you I asked for any comments or replies, and I have gotten a letter from Mr. Knowles indicating what the reaction of the employee people would be, and what they wanted to do; I have here letters from the employer representatives indicating their reaction to this report.

Mrs. Huerta: Do you think this should be included as part of the record, but not part of the recommendations to the Industrial Welfare Commission?

Mr. Liddell: What it is actually, if I may say, is supporting material as this is.

Mrs. Huerta: It is more of an individual nature, I would think, rather than a collective -

Mr. Knowles: An appendix or anything that you wanted, as long as it is separate from the record.

Chairman: I think it should be included as part of the record, and not as a recommendation. All right, which then brings us to Exhibit 10, which is essentially my effort to indicate my view and attitude on the activities of the Wage Board and my position with respect to the charges to the Wage Board on Wages, Hours and Working and I have indicated what my estimate on the matter of hours would be, and I have indicated to you my estimate on the matter of a minimum wage. I would say, since this is the only opportunity that I will have to say it, that during the lunch hour I had opportunity to read the comments that came to me from the employer representatives, and while I shall make no effort to comment about them individually, I simply want to state here, this was what I had in the back of my mind when I set forth my ideas on hours and a minimum wage, so that there may be no misunderstanding on this account even though interpretation will vary from individual to individual.

1. I concur wholeheartedly with the point that Mr. Gerdts made in one of our earlier meetings, that when we are talking about setting the maximum number of hours that a woman or child should work, we were actually about what physiologically is the limit under a given set of working conditions that a woman or child should work. He spoke of the fact that in Switzerland this was set by medical authority. I think this is my interpretation of what the instructions to the Wage Board calls for - our estimate consistent with the health and welfare of a woman and child, what are the maximum number of hours she should work. I recognize that any selection of a number of hours on this basis would be very difficult - I don't know whether we have the information. Yet on the other hand I felt that it was necessary to indicate some number of hours, this is what we are asked to do, and in view of the fact that across the country, on the West Coast and in California the average farm work day is 9 hours, I chose 9 hours as the length of time that a woman or child might be expected to work, or beyond this not expected to work. I was not interested in overtime possibilities because I feel if you say 9 hours is the limit, beyond that is contrary to this, so this is the basis for the 9 hours.

When it comes to a minimum wage, I again interpreted the requirements as presented to us in writing a recommendation for a wage order, that we were to come up with an estimate of what it takes to keep a single woman functioning consistent with her health and welfare, and you recall in my very first question raised before this Wage Board, if this could be established what difference does it make how she earns her living, and out of this group came the comment, Well obviously a woman working in this location may not have the same demands upon her or requirements of conditions consistent with health and welfare, say the urban worker versus the rural worker, - and I realize this is a basis for difference. But this did not deter me in my thinking that some way or another I had to come up with an estimate of what does it

take to keep a woman, body and soul together, consistent with her health and welfare. There were two sources of information, both of them produced by our own State organizations, one of them I have laid before you and that is that our own State Welfare Department has a budget which it defines as the Minimum Cost of Living Budget for Individuals, and as this is set forth, you come up on this basis with  $63\frac{1}{2}\%$  an hour if she were to try to put together this resource during the course of a 2000-hour year. I realize we don't work 2000 hours, but assuming that she might try to put enough money together to keep her during a period of a year, this figures out at  $63\frac{1}{2}\%$ , but this is based upon a dole to an individual who may or may not ..... but to me is low, and therefore I was trying to figure out how far up the line from  $63\frac{1}{2}\%$  an hour do we come in order to produce something consistent with the health and welfare, and I used a factor of 25%, which on the basis of  $63\frac{1}{2}\%$  being  $3/4$  of it, the full would be 85¢, this is the way it came out.

I realize I have been arbitrary, I have been capricious, all the other terms that have been suggested, in arriving at something on this basis. I figured plus or minus 5¢, somewhere in this area, possibly is a half-way decent estimate of not the average wage, not the prevailing wage, but this floor that we are talking about - what is the minimum consistent with trying to keep body and soul together - and so this was the basis this 80 to 90¢ figure that I have set before you.

I don't expect that anybody supports this notion. I, however, have as conscientiously, as studiously, as I know how tried to set forth my position, and you have it, and whether or not anybody else buys it, this is your opportunity. I will have a sheet out here - the following persons concur in this statement, Exhibit #10 - the following persons do not concur in this statement and I can sense there is going to be one name signed to it - but this is just as simple as that, so I think what I must do now just as rapidly as possible is put out here for your signatures, so that you know what you are actually signing and where they relate to this particular topic, these sheets here. So I would say let us recess this meeting while I go off in the corner with Mrs. Jensen and get these things together so that I can bring them back here and show you how these things will go together.

.....

I will call the meeting to order again and proceed to explain the organization of the documents that I have produced during the last few minutes. There is a cover page which indicates the page contents and the Exhibits. Following the cover page there is this statement: To: Industrial Welfare Commission - The members of the Wage Board for Agricultural Occupations whose names are signed below attest to the fact that the following is a summary of the proceedings and deliberations of said Wage Board. Respectfully submitted - and here is the opportunity for you people to sign, there is a place that says - the following members of the Wage Board for Agricultural Occupations decline to so attest: So if anybody doesn't want to attest they can so indicate.

Then we go on to the Summary of Actions, which sets forth, Page 1, the members of the Wage Board, the alternate members of the Wage Board, the statement by Mrs. Stoneman, and then on page 3 of that we come to this section on Working Conditions which essentially summarizes the substance of the minutes as it relates to those items on working conditions, - that is pages three through five - and this is followed by again a signature sheet which says that the members whose signature appear below attest to the fact that the foregoing is a summary of these things and there is a place for those who agree, for those who disagree, or those who abstain, so that gets that section out of the way.

Then we come next to the Proposed Industrial Welfare Commission Order for Women

and Minors Employed in Agriculture, which is Exhibit 1, and following that there is Exhibit 1A which is the Proposed Language for Agricultural Wage Order which the employee representatives submitted, and following Exhibit 1 and 1A there is a signature sheet which says - The members whose signatures appear below concur in the foregoing statement: Proposed Industrial Welfare Order for women and minors employed in agriculture, employer proposal, Exhibit 1. So here is an opportunity for the employer representatives to attest to their proposal and on this same page goes the next statement - Insofar as the employer proposal adds to the items listed under working conditions as set forth in this report pages 3 through 5 of the Summary of Actions, the employee members do not concur. With reference to Applicability and Definitions, the employee members do not concur with Exhibit 1 and submit herewith their recommendations on these two items. Exhibit 1A as amended. There is a place for your signatures.

Then we go on to Exhibits 2 through 7, which are the minutes of the Wage Board Meetings, which brings us to Exhibit 8 which is the Statement of Position of the employer members to the Wage Board, this is your first Statement of Position, so to have that properly identified this is where it became identified in the Table of Contents "Statement of Position of Employer Members to Wage Board", which is followed by a statement - The members whose signatures appear below concur in the foregoing statement: Exhibit 8 - Statement of Position of Employer Members. Those members whose signatures appear below do not concur in the foregoing statement, Members Abstaining, so there is opportunity to sign there.

Then we come on to Exhibit 9, which is the report of the employee members of the Agricultural Wage Board of the Industrial Welfare Commission, dated September 30, 1960. So there will be clarification there, the first report sent in to me was dated September 15; the one which you want to appear in the minutes is this September 30 report which is the one before you, and following that there comes Exhibit 10, the Supplement to the September 30 report submitted by the employee representatives, which gets this into the record, and then after Exhibits 9 and 10, which are the employee representative statements, it says here - the members whose signatures appear below concur in the foregoing statement (Report of Employee Members, Exhibit 9 and 10). Here is where you can sign - the members whose signatures appear below do not concur can sign - and anyone who cares to abstain have the opportunity to sign.

We come to Exhibit 11 which is the Statement of Wage Board Chairman, and there appears following it appropriately set forth, the members (I should say member) whose signatures appear below concur in the foregoing statement, then a place for those who don't concur, and members abstaining.

Then as Exhibit 12, this is the statement of the employer representatives to the Industrial Welfare Commission. It is listed as Exhibit 12 because it is in essence their rebuttal to my statement and is more appropriately placed there, after which I have a signature sheet that anybody who wants to concur with that, may do so, disagree or abstain. Frankly, I am abstaining on the three items since I have made my statement, and that is the organization of the report, and what I would like to have you do is sign these sheets in the slot that you want to, at this point, so that we have a master sheet signed. This is the only way I know how to get these signatures while we are all together at this time.

Mr. Gerdts: What are you going to do about the absent members, Mr. Chairman?

Chairman: I shall be interested in any suggestions -

Mrs. Jensen: I think we could send a copy and keep this here, and then add their signatures to this one.

(Recess declared for distribution and signing of signature sheets).

Chairman: We will include these signature sheets properly numbered and inserted in the report to the Industrial Welfare Commission. You will get copies of this report with the signature sheets included, but with the names typed in as they appear on the master copies, and as far as I am aware, this completes the job which we were asked to do, based upon our best estimate of getting the job done.

In the days ahead I gather it is the Industrial Welfare Commission's responsibility, on the basis of hearings and any other methods that they may employ, to develop a wage order. I feel that while the report that is going to the Industrial Welfare Commission is a complex one, it does a good job of laying before them the nature of the complexity, and I think this is in essence what we were supposed to do, to provide our best estimate, our differences of opinion, and I think those are recorded and they can profit by our suggestions and ideas, which is in essence what we were asked to do.

Mr. Singer: To clear the record of those personal letters, some of those letters (I am speaking for myself) were written directly to you and not to the Commission.

Chairman: I have these letters which were in response to my letter to you when I sent the draft of the report, so I shall remove from the list that I turn over to the Department of Industrial Welfare your letter, Mr. Singer, and any others that you people may wish.

Mr. Pilibos: I would like to have mine stay, Mr. Chairman.

Mr. Thornburg: Mine too.

Chairman: If all of the signatures have been affixed thereon, I shall declare our meeting adjourned.

Mr. Liddell: I wonder, Mr. Chairman, if we ought to make a motion for the record and everybody would concur, that we offer the Chairman a vote of thanks for his very unbiased conduct of the meetings under very difficult conditions; we want the Industrial Welfare Commission to know that, at least, in my opinion and I am sure everybody else will concur, that you have done an outstanding job, you have been fair at all times and we appreciate having you as Chairman of this particular group. I make this as part of the statement to the Industrial Welfare Commission. I will so move, Mr. Chairman.

Mr. Knowles: I will second it - unanimously carried.

Chairman: I am delighted that we are departing on this note. You have all done the best you know how and you have set forth your ideas forthrightly. This I have indicated to the Industrial Welfare Commission when I made my progress report, when Mr. Knowles and Mr. Gerdts were here, and I think we shall end on this note. Thank you very much.